

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

BRETT RYAN DUBOSE, *et al.*,)
Plaintiffs,)
v.) No. 2:07-CV-115
CITY OF MORRISTOWN, *et al.*,)
Defendants.)

ORDER

This civil action is before the court on the report and recommendation filed by United States Magistrate Judge Dennis H. Inman on August 31, 2007 [doc. 29]. There have been no timely objections filed to the report and recommendation, and enough time has passed since its filing to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Pursuant to Fed. R. Civ. P. 72(b), the court has conducted a *de novo* review of this matter. The court has reviewed the report and recommendation and all relevant pleadings in the record, and it is in agreement with the conclusion reached by the magistrate judge. The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

Accordingly, it is **ORDERED** that plaintiffs' motion to certify this case as a class action under Rule 23 [doc. 2] is **DENIED**. This case **SHALL NOT** be certified as a class action.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge